

# BOA GENERAL REVIEW COVERSHEET

**CASE:** C15-2021-0033

**BOA DATE:** April 12<sup>th</sup>, 2021

**ADDRESS:** 221 Lessin Ln

**COUNCIL DISTRICT:** 3

**OWNER:** Christopher Affinito

**AGENT:** Mark Zupan

**ZONING:** SF-6-NP (Dawson NP)

**LEGAL DESCRIPTION:** LOT 14 LESS S E 1728SQ FT BLK 2 POST ROAD

**VARIANCE REQUEST:** decrease the minimum front yard setback from 25 ft. to 10 ft.

**SUMMARY:** erect Multi-Family -Condominiums

**ISSUES:** faces a street on three sides, floodplain, heritage trees

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-6-NP	Townhouse and Condominium Residence
<i>North</i>	GR-CO-NP	Community Commercial
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Dawson Neighborhood Association

Dawson Neighborhood Organization

Dawson Neighborhood Plan Contact Team

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Preservation Austin

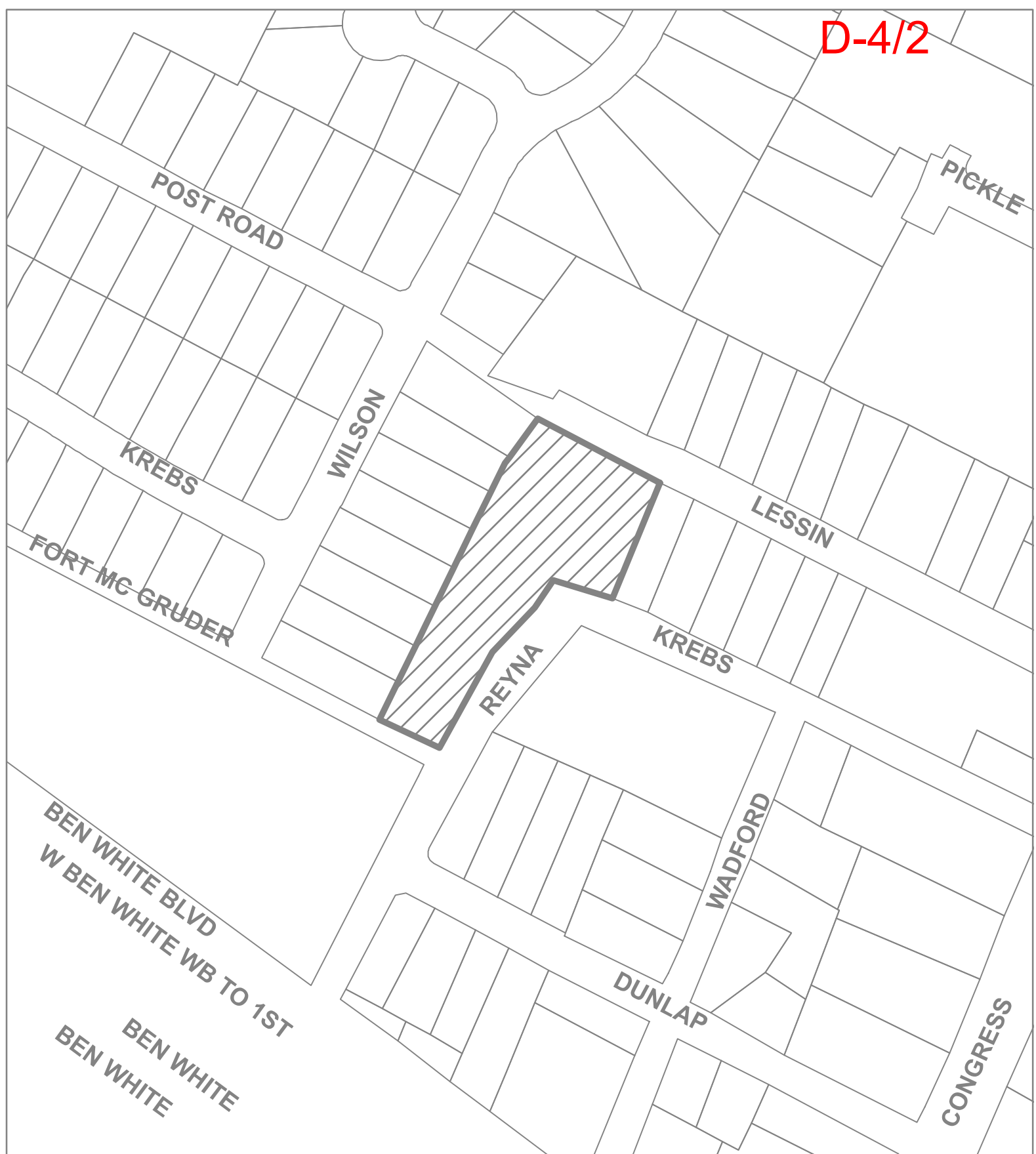
SEL Texas

Sierra Club, Austin Regional Group

South Austin Commercial Alliance

South Central Coalition

D-4/2



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2021-0033

LOCATION: 221 LESSIN LANE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 167'



## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

## Board of Adjustment General/Parking Variance Application

**WARNING:** Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

### For Office Use Only

Case # \_\_\_\_\_ ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

### Section 1: Applicant Statement

Street Address: 221 Lessin Lane

Subdivision Legal Description:

Lot 14 less SE 1728 sq-ft Block 2 post road

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-6

I/We Mark Zupan on behalf of myself/ourselves as  
authorized agent for Chris Affinito, 219 Lessin Lane Holdings affirm that on  
Month February, Day 18, Year 2021, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: multifamily, duplexes

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

We are requesting a waiver from section 25-2-492, site development regulations for a SF-6-NP residential property for a front yard setback on Lessin Lane from 25-ft to 12-ft for the site located in project SP-2020-0364C.

## Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

I contend that my entitlement to the requested variance is based on the following findings:

### Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

Condominium Residential Use in SF-6 zoning districts allows for 1 unit per 3,500 SF on site area. Based on the site area of approximately 63,597 SF, this property is entitled to 18 condominium residential units. Due to a high concentration of heritage trees and valuable "less-than-heritage" trees, floodplain, and the fact that the property is a "through lot" (i.e. both front and rear of the property face a street, creating additional building setbacks), we would only be able to build 14 condo units on this property without creating a larger, attached condo building that would look inconsistent with the character of the neighborhood.



### Hardship

a) The hardship for which the variance is requested is unique to the property in that:

Most properties in the area are much smaller, are zoned SF-3, are not in the floodplain, and have a lower concentration of valuable and heritage trees. This property is also unique in that the front and rear both face a street, creating a "double front setback", which further restricts development compared to other lots.

b) The hardship is not general to the area in which the property is located because:

Other lots in the area do not face a street on three sides (front, rear, east side) and therefore are subject to smaller building setbacks. The combination of these additional setbacks, the floodplain along the western side, and high concentration of valuable trees (i.e. trees we would prefer to preserve) and heritage trees (which we must preserve) is not general to the area and is unique to this particular property.



**Area Character**

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Contrary to altering the character of the area, granting this variance will actually preserve the character of the area, because it will allow us to build detached houses and duplexes, as opposed to a townhome or apartment-style development, in order to achieve the unit count allowed by zoning. If this property simply were not a "through lot" we would be able to design a development that both conforms with current zoning and with the character of the neighborhood.

**Parking** (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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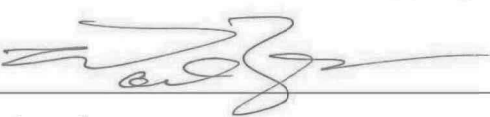
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### Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 02/19/2021

Applicant Name (typed or printed): Mark Zupan

Applicant Mailing Address: 7801 W Hwy 71, Suite 201G


City: Austin State: TX Zip: 78735

Phone (will be public information): (512) 628-8281

Email (optional – will be public information): 

### Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature:  Date: 02/19/2021

Owner Name (typed or printed): Christopher Affinito

Owner Mailing Address: 117 Lightsey Rd

City: Austin State: TX Zip: 78704

Phone (will be public information):

Email (optional – will be public information): 

### Section 5: Agent Information

Agent Name: KFM Engineering, Mark Zupan

Agent Mailing Address: 7801 W Hwy 71, Suite 201G

City: Austin State: TX Zip: 78735

Phone (will be public information): (512) 628-8281

Email (optional – will be public information): 

### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

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COA CASE NO: SP-2020-0364C







## COA CASE NO: SP-2020-0364C





Know what's below.  
Call before you dig.

NOTICE: Construction of a project that requires excavation for any reason, including but not limited to, utility relocation, trenching, or other earthmoving activities, requires the contractor to call 811 to locate and mark underground utilities. Failure to do so may result in damage to utilities, personal injury, or property damage. The contractor is responsible for obtaining all necessary permits and for ensuring that all work is done in accordance with applicable laws and regulations.

CONTRACTOR'S OBLIGATION: The contractor is responsible for obtaining all necessary permits and for ensuring that all work is done in accordance with applicable laws and regulations. The contractor is also responsible for protecting all existing utilities and for ensuring that all work is done in a safe and sound manner.



LESSIN LANE VILLAS  
221 LESSIN LANE  
AUSTIN, TEXAS

URBAN ATX  
LESSIN LANE VILLAS  
EXISTING  
CONDITIONS &  
DEMO PLAN

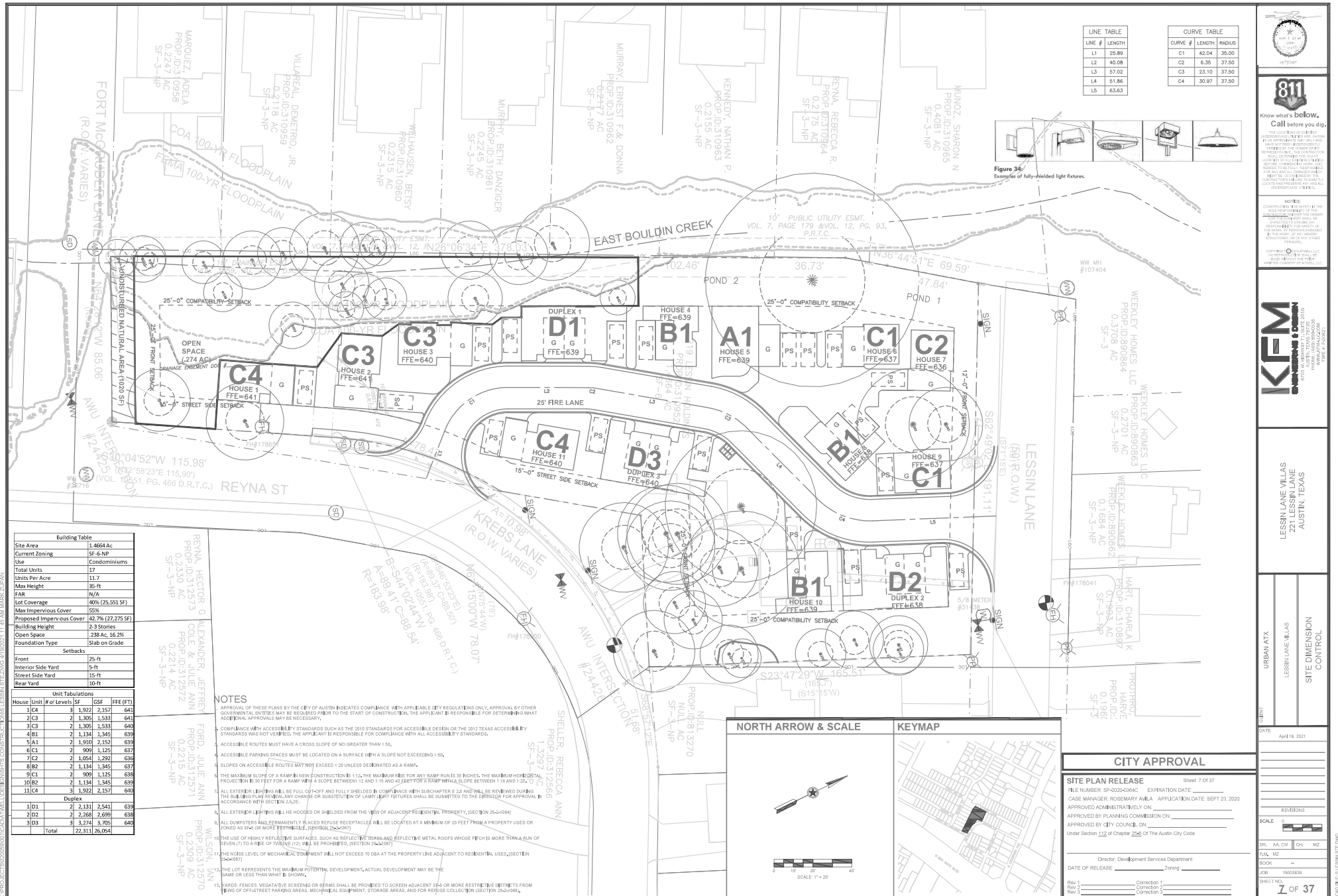
DATE: February 14, 2021

REVISIONS

NO.	DATE	DESCRIPTION
1	02/14/21	ISSUED FOR PERMIT

SCALE: 1" = 40'

DR: AA, CH  
P.L. MZ  
BOOK: 19039839  
SHEET: 6 OF 37

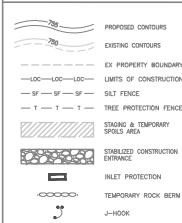


TREE LIST (02-14-2020)			
TREE #	DESCRIPTION AND SIZE	REMOVE	
121	TR CREPE MYRTLE 17"		
196	TR CREPE MYRTLE 13"		
197	TR HACKBERRY 15"		
198	TR HACKBERRY 15"		
200	TR HACKBERRY 13"		
210	TR CEDAR 31"	*	
219	TR CEDAR 21"		
220	TR CEDAR 17"		
228	TR COTONWOOD 31"		
231	TR LIVE OAK 55"		
241	TR CHINA BERRY 14"	*	
250	TR CHINA BERRY 15"	*	
253	TR HACKBERRY 15"	*	
258	TR LIVE OAK 35"		
278	TR CEDAR 16"	*	
282	TR CEDAR 15"	*	
284	TR CEDAR 10"	*	
285	TR CEDAR 21"	*	
286	TR CEDAR 20"	*	
292	TR LIVE OAK 29"		
293	TR LIVE OAK 19"		
294	TR HACKBERRY 10"	*	
321	TR CEDAR 15"		
322	TR CEDAR 10"		
324	TR CEDAR 21"		
333	TR LIVE OAK 23"		
342	TR LIVE OAK 26"		
343	TR LIVE OAK 25"		
344	TR LIVE OAK 23"		
354	TR LIVE OAK 30"		
356	TR LIVE OAK 20"		
361	TR LIVE OAK 15"		
362	TR LIVE OAK 16"		
426	TR CHINA BERRY 20"		
428	TR CHINA BERRY 9"	*	
430	TR CHINA BERRY 21"	*	
434	TR CHINA BERRY 18"	*	
435	TR CHINA BERRY 12"	*	
438	TR CHINA BERRY 15"	*	
486	TR		
511	TR CHINA BERRY 10"		
527	TR HACKBERRY 14"	*	
533	TR HACKBERRY 12"		
534	TR HACKBERRY 8"		
538	TR ASH 11"		
539	TR CHINA BERRY 10"		
544	TR ASH 15"		
550	TR LIVE OAK 26"	*	
553	TR ELM 12"		
556	TR CHINA BERRY 9"		
557	TR HACKBERRY 14"		
559	TR HACKBERRY 18"		
562	TR CHINA BERRY 9"		
563	TR CHINA BERRY 12"		
565	TR HACKBERRY 11"		
566	TR CHINA BERRY 12"		
569	TR CHINA BERRY 15"		
575	TR CHINA BERRY 13"		
576	TR CHINA BERRY 14"	*	
577	TR HACKBERRY 15"		
580	TR HACKBERRY 19"		
615	TR CHINA BERRY 19"	*	
616	TR CHINA BERRY 15"	*	
620	TR CHINA BERRY 9"	*	
621	TR CHINA BERRY 9"	*	
622	TR HACKBERRY 9"	*	

TREES TO BE REMOVED  
REFER TO TREE REPORT FOR TREE  
CONDITIONS BY TREE MAINT SOLUTIONS  
DATED 01/4/2020



## LEGEND

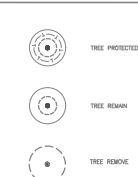


## NOTES

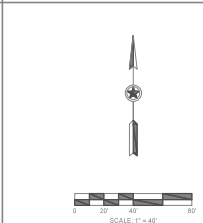
1. LIMITS OF CONSTRUCTION: 2.15 ACRES
2. THE CONTRACTOR SHALL PROVIDE DUST CONTROL IN ACCORDANCE WITH THE CITY OF AUSTIN ENVIRONMENTAL CRITERIA MANUAL, SECTION 1.4.3.D.
3. ALL AREA INLETS SHALL HAVE INLET PROTECTION IN PLACE UNTIL THE COMPLETION OF GRADING AND REVEGETATION.
4. THE TRAVIS COUNTY AND COA INSPECTORS HAVE THE AUTHORITY TO MODIFY EROSION/SEDIMENTATION CONTROLS AS REQUIRED TO ENSURE THE CONTROLS ARE FUNCTIONING PROPERLY.
5. ANY DIRT, MUD, ROCKS OR OTHER DEBRIS CARRIED ONTO EXISTING ROADS SHALL BE REMOVED IMMEDIATELY AND THE ROAD RESTORED TO A DRIVABLE CONDITION, FREE FROM OBSTRUCTIONS.
6. WHERE STREET IMPROVEMENTS END ON A GRADE THAT ALLOWS OFFSITE SEDIMENT TO WASH ONTO PAVEMENT, THE CONTRACTOR SHALL INSTALL ROCK BERMS AT THE EDGE OF PAVEMENT. ROCK BERMS SHALL BE MAINTAINED AND REMAIN IN PLACE UNTIL ADJACENT PHASE IMPROVEMENTS BEGIN.
7. AT THE COMPLETION OF STREET AND UTILITY IMPROVEMENTS, THE CONTRACTOR SHALL REVEGETATE THE AREAS DISTURBED BY CONSTRUCTION IN ACCORDANCE WITH THE CONDITIONS LISTED ON THE GENERAL NOTES SHEET.
8. IN AREAS WHERE SALT FENCE IS TO BE INSTALLED CROSSING CONTOURS, J-HOOKS SHALL BE ADDED TO THE SALT FENCE EVERY 100'.

9. OFFSITE DISPOSAL OF SPOIL MATERIAL MUST BE CLEARED BY COUNTY INSPECTOR PRIOR TO THE REMOVAL FROM THE JOBSITE.
10. DIRT TRACKED INTO THE ROADWAY OUTSIDE THE LOC MUST BE IMMEDIATELY REMOVED UPON DISCOVERY.
11. CONTRACTOR SHALL ATTEMPT TO REVEGETATE MAJOR AND CRITICAL PORTIONS OF THE PROJECT IN DISCREET PHASES AND AS EARLY AS POSSIBLE.
12. FOR THE STABILIZATION OF ALL THE SLOPES 3:1 OR GREATER, SUITABLE ESC MATTING (TYPE I) WILL BE UTILIZED IN CONJUNCTION WITH REVEGETATIVE EFFORTS ONSITE (TYPE II) FOR CHANNELS.
13. IF DISTURBED AREA IS NOT TO BE WORKED ON FOR THAN 14 DAYS, DISTURBED AREA NEEDS TO BE STABILIZED BY REVEGETATION, MULCH, TARP OR VEGETATION MATTING.
14. ENVIRONMENTAL INSPECTOR HAS THE AUTHORITY TO ADD/OR MODIFY EROSION/SEDIMENTATION CONTROLS ON SITE TO KEEP PROJECT IN-COMPLIANCE WITH CITY OF AUSTIN RULES AND REGULATIONS.
15. CONTRACTOR SHALL UTILIZE DUST CONTROL MEASURES DURING SITE CONSTRUCTION SUCH AS IRRIGATION TRUCKS AND MULCHING AS PER ECM 1.4.5 (A), OR AS DIRECTED BY THE ENVIRONMENTAL INSPECTOR.
16. THE CONTRACTOR WILL CLEAN UP SPOILS THAT MIGRATE ONTO THE ROADS A MINIMUM OF ONCE DAILY.
17. FOR OFF-SITE UTILITY LINES— PROVIDE PERPENDICULAR EROSION CONTROLS EVERY 30' AS YOU FINISH LINE.

## TREE LEGEND



## NORTH ARROW & SCALE



## KEYMAP



## CITY APPROVAL

**SITE PLAN RELEASE** Sheet 8 of 37  
 FILE NUMBER: SP-2020-0364C EXPIRATION DATE: \_\_\_\_\_  
 CASE MANAGER: ROSEMARY AVILA APPLICATION DATE: SEPT 23, 2020  
 APPROVED ADMINISTRATIVELY ON: \_\_\_\_\_  
 APPROVED BY PLANNING COMMISSION ON: \_\_\_\_\_  
 APPROVED BY CITY COUNCIL ON: \_\_\_\_\_  
 Under Section 112 of Chapter 206 of The Austin City Code

Director, Development Services Department  
 DATE OF RELEASE: \_\_\_\_\_ Zoning: \_\_\_\_\_

Rev 1 \_\_\_\_\_ Correction 1 \_\_\_\_\_  
 Rev 2 \_\_\_\_\_ Correction 2 \_\_\_\_\_  
 Rev 3 \_\_\_\_\_ Correction 3 \_\_\_\_\_

811  
Know what's below.  
Call before you dig.

NOTICE: CONSTRUCTION OF THIS PROJECT MAY BE SUBJECT TO THE CITY OF AUSTIN'S EROSION/SEDIMENTATION CONTROL REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AUSTIN AND THE TRAVIS COUNTY ENGINEERING DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AUSTIN AND THE TRAVIS COUNTY ENGINEERING DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AUSTIN AND THE TRAVIS COUNTY ENGINEERING DEPARTMENT.

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**KEM**  
KREBS ENGINEERING & MAINTENANCE, INC.  
221 LESSIN LANE  
AUSTIN, TEXAS 78701  
TEL: 512.452.1000  
WWW.KEM-INC.COM

LESSIN LANE VILLAS  
221 LESSIN LANE  
AUSTIN, TEXAS

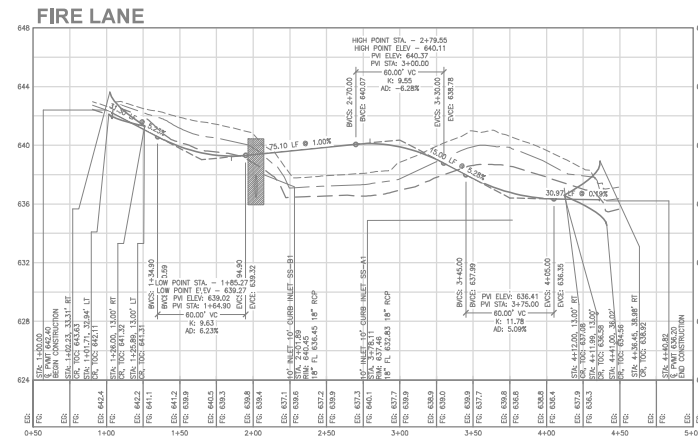
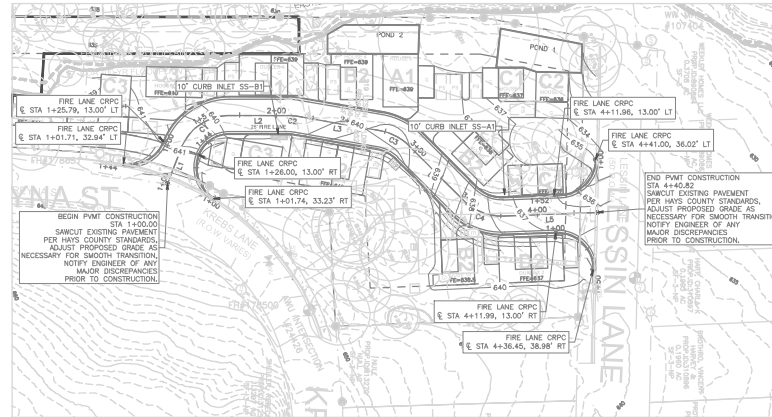
URBAN ATX  
LESSIN LANE VILLAS  
EROSION/SEDIMENTATION  
CONTROL AND TREE  
PROTECTION PLAN


DATE: February 14, 2021

DR. AL. CM. CH. MZ.  
P.H. MZ.  
BOOK \_\_\_\_\_  
JOB: 19030938  
SHEET: 8 OF 37

COA CASE NO: SP-2020-0364C





CITY APPROVAL	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <h2 style="margin: 0;">SITE PLAN RELEASE</h2> <p style="margin: 5px 0;">FILE NUMBER: SP2020000000      EXPIRATION DATE: _____</p> <p style="margin: 5px 0;">CASE MANAGER: ROSEMARY AYALA      APPLICATION DATE: SEPT. 23, 2020</p> <p style="margin: 5px 0;">APPROVED ADMINISTRATIVELY ONLY _____</p> <p style="margin: 5px 0;">APPROVED BY PLANNING COMMISSION ON _____</p> <p style="margin: 5px 0;">APPROVED BY CITY COUNCIL ON _____</p> <p style="margin: 5px 0;">Under Section <u>112</u> of Chapter <u>266</u> Of The Austin City Code</p> </div> <div style="width: 35%; text-align: right;"> <p>Sheet # Of 36</p> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>DATE OF RELEASE: _____      Zoning: _____</p> </div> <div style="width: 35%; text-align: right;"> <p>SCALE: 1" = _____</p>  </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>Rev 1 _____      Correction 1 _____</p> <p>Rev 2 _____      Correction 2 _____</p> <p>Rev 3 _____      Correction 3 _____</p> </div> <div style="width: 35%; text-align: right;"> <p>DR.    AS.    CM    CH    MC</p> <p>PLN.    MZ    _____</p> <p>BOOK _____</p> <p>JOB#    16020359</p> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>SHEET NO. _____</p> </div> <div style="width: 35%; text-align: right;"> <p>9 OF 36</p> </div> </div>	

